

LINCOLN SQUARE LEGAL SERVICES, INC.

Executive Director
Ian Weinstein

Supervising Attorneys
Cheryl G. Bader
James A. Cohen
Elizabeth B. Cooper
Romaine L. Gardner
Mercer Givhan
Brian Glick
Leah A. Hill
Ron Lazebnik

*Counsel shall submit
the bills/receipts from
the Court Reporter
in order to get reimbursed.*
The application is ☒ granted.
☐ denied.

SQ ORDERED.

/s/

Lois Bloom, U.S.M.J.

**Dated: 11/30/09
Brooklyn, New York**

Supervising Attorneys
Elizabeth A. Maresca
Michael W. Martin
Paul Radvany
Martha Rayner
Beth G. Schwartz
Marcella Silverman
Gemma Solimene

Supervising Social Worker
Kathy Ho, M.S.W.
Lyn Kennedy Slater, C.S.W., Ph.D.

November 25, 2009

VIA ECF

Honorable Lois Bloom
United States Magistrate Judge
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Garland Andrew Tyree v. Michael Zenk, et al.*
CV-05-2998 (Y.A.M.) (L.B.)

Dear Judge Bloom:

As mentioned to the Court in the parties' joint letter dated and filed November 13, 2009, plaintiff's counsel seeks the Court's approval to seek reimbursement for costs related to the taking of depositions in this matter. It is our understanding that the Eastern District Litigation Fund may be available to reimburse the costs that Lincoln Square Legal Services will incur in order to depose the defendants and certain other witnesses in this matter.

We expect that most of the depositions will last around two hours. However, based on our experience, we anticipate that certain of the defendants may require longer depositions of three to four hours. We estimate that the deposition transcript will be approximately seventy-five pages-per-hour, based on the deposition of the plaintiff that has already been taken by opposing counsel. According to price quotes that we have received from various court reporter services, the most economic method of transcription will cost \$5.50 per page. After including the court reporter's appearance fee, we expect the transcript of a two-hour deposition to cost approximately \$900. A four-hour deposition may cost in excess of \$1700.

As the Court is aware, Lincoln Square Legal Services is a non-profit legal services organization affiliated with Fordham University School of Law. Lincoln Square Legal Services operates on a limited budget and represents individuals solely on a *pro bono* basis. Given the significant financial outlay required by the depositions which are necessary to thoroughly investigate Mr. Tyree's claims, and our organization's limited financial resources, Lincoln Square Legal

Services is unable to conveniently bear the cost of these depositions. According to Rule 6(b) of the Eastern District of New York Rules Governing Procedures For Appointment of Attorneys in Pro Se Civil Actions (*see attached*), we request that the Court approve our application for authorization to request reimbursement by the Eastern District Civil Litigation Fund, Inc., for the costs that Lincoln Square Legal Services will incur in order to depose each of the defendants and certain other witnesses in this matter.

We ask that the Court approve anticipated expenses of \$4500, related to the deposition of Defendant Cush that has already been scheduled among the parties, and the depositions of Defendants Corbett and Tamayo that the parties anticipate will be taken during the third week in December. We anticipate that there will additional depositions beyond the three mentioned above, and will communicate with the Court regarding the reimbursement of costs relating to the additional depositions once the parties have agreed on the timing and manner of those depositions.

Plaintiff's counsel thanks the Court for its time and consideration of this matter.

Respectfully,

Dated: November 25, 2009
New York, New York

/s/
By: Michael W. Martin, Esq. (MM 0752)
Supervising Attorney
Lincoln Square Legal Services
Attorney for Plaintiff

Legal Interns
Faraj Bader
Michelle Genet
Stephanie Kline
Steve Ni

APPLICATION FOR REIMBURSEMENT OF EXPENSES
FROM THE EASTERN DISTRICT CIVIL LITIGATION FUND
IN CONNECTION WITH THE REPRESENTATION OF PRO SE LITIGANTS

Title of Action: Tyree V. Zenk Docket No.: CV-05-2998

Name: Michael W. Martin

Address: 33 West 60th Street, 3rd Floor
New York, NY 10023

Telephone: 212-636-6934

E-mail: mw martin @ law. fordham. edu

Judge Assigned: Kingo Matsumoto

Type of Expense (attach supporting documentation) Amount

Telephone _____

Facsimile _____

Photocopying _____

Postage _____

Transcripts* 4500

Expert Witness Fees* _____

Interpreter* _____

Travel* _____

Other Expenses** _____

Only Application _____ Prior Application(s), date(s): _____

TOTAL 4500

APPROVED

U.S.D.J.

* Requires Court approval **Requires Court and Eastern District Civil Litigation Fund Approval